

**REMARKS****INTRODUCTION**

In accordance with the foregoing, claims 1-12, 16-17, 22-23, and 25-35 have been amended. No new matter is submitted.

Claims 2-5, 12 and 23-35 have been allowed and claims 9, 10, and 17-22 have been indicated as including allowable subject matter. Accordingly, claims 9, 10, 17 and 22 have been amended into independent form. It is respectfully submitted that claims 9, 10, and 17-22 are now in allowable condition.

Claims 1-35 are pending and under consideration.

**ENTRY OF AFTER FINAL AMENDMENT**

Entry of this After Final Amendment is respectfully requested. It is respectfully submitted that the above amendments to claims 1, 11 and 16 do not raise new issues and would not require an additional search.

In the previous response, applicant particularly argued that independent claims 1, 11 and 16 differentiated over Mine, U.S. Patent No. 5,966,358, because they required the defects to be detected before the recording of user data, which differentiates the claims from Mine since Mine performs the defect detection without certification and during the recording of user data. To further extrapolate what applicants believed inherent in claims 1, 11 and 16, independent claims 1, 11 and 16 have been amended to particularly point out that the defect can be detected during the use of the medium, after certification.

Support for this interpretation that this meaning was already inherent in this phrase can be found on page 5 of the specification lines 3-4, where the meaning of "use" of the medium is meant to mean the use of the recording medium after certification, this is the understood interpretation, i.e., though Mine sets forth a method that uses the corresponding recording medium without certification, that is uncharacteristic of the standard, typically such a recording medium is not used and user data is not stored on the recording medium until after certification.

In addition, it is respectfully submitted that such a certification feature has already been searched and considered. Allowable claim 17 includes a certification feature.

Lastly, as this feature further distinguishes independent claims, 1, 11 and 16, it is respectfully submitted that the claims are in better condition for appeal and place the claims in better condition for allowance.

Entry and consideration of the amendments to claims 1, 11 and 16 is respectfully requested.

#### REJECTION UNDER 35 USC 102

Claims 1, 6-8, 11 and 13-16 stand rejected under 35 USC § 102 as being anticipated by Mine, U.S. Patent No. 5,966,358. This rejection is respectfully traversed.

Based on the above, it is respectfully submitted that Mine fails to disclose or suggest at least the detection of defects before recording user data after certification. Totally contrary to this notion, Mine actually is specifically directed toward recording data to a user data area without initially detecting for defects, e.g., during a certification stage.

"In view of the foregoing status of the art, it is an object of the present invention to provide a signal recording apparatus and a signal recording method such that in the case where sequential data, such as, moving pictures, are to be recorded on an optical disc recording medium for recording and reproduction which is capable of handling computer data as a large-capacity recording medium having a recording capacity exceeding several gigabyte units, recording is carried out without certifying the recording medium, and such that the sequential data, such as, moving pictures are recorded and reproduced on the real-time basis." Mine in col. 3, lines 7-17 (Emphasis Added).

Thus, Mine is primarily directed toward a method of recording data without having to first detect defects through a certification of the optical disc. Rather, Mine performs an on-the-fly first defect detection *while* recording corresponding user data.

Conversely, independent claims 1, 11 and 16 clearly require defects to be detected before storing user data or while using the medium after certification of the medium. It is respectfully submitted that the operations of Mine and the presently claimed invention are fundamentally different.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 1, 11 and 16 be withdrawn and claims 1, 11 and 16 be allowed. Similarly, at least for depending from an allowable base claims, it is respectfully submitted that claims depending from independent claims 1, 11 and 16 are also allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 

Stephen Boughner  
Registration No. 45,317

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501